



# LENA C. TAYLOR

Wisconsin State Senator • 4th District

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## ***Testimony of Senator Lena C Taylor***

AB 223 – Right to a jury trial for juveniles

Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing

April 19, 2010

Honorable members of the committee:

Thank you for taking testimony today on AB 223. This bill codifies a long held belief and right of a person, even a juvenile, to a jury trial.

The right to a trial by a jury is a long held right that stretches back before the dawn of our country, even to the Magna Carta of 1215. Article 39 reads:

“No freeman shall be arrested or imprisoned or deprived of his freehold or outlawed or banished or in any way ruined, nor will we take or order action against him, except by the lawful judgment of his equals and according to the law of the land.”

This bill extends the right of a jury trial to a juvenile and the parent, guardian, or legal custodian, if the petitioner (prosecutor) reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender Program or in a juvenile correction facility even above 17 years old. Currently, that law does not exist. Juveniles are not afforded the right to a jury trial.

This bill passed the Assembly on a voice vote and I encourage your support of this legislation.

Statement by Representative Frederick P. Kessler  
to the Senate Committee on  
Judiciary, Corrections, Insurance, Campaign Finance Reform & Housing  
on  
Assembly Bill 223, the right to a trial by jury for a juvenile  
April 19, 2010

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Chairwoman Taylor and Committee Members:

I regret that I am unable to appear before you today to testify in support of Assembly Bill 223, which gives a juvenile the right to a trial by jury when the district attorney has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility when the juvenile is an adult.

This bill provides juveniles a right to trial by jury in cases where the juvenile may be incarcerated beyond the age of majority (up to age twenty-one). The right to have a jury trial is a basic protection for a citizen accused of a crime. Though it is constitutionally guaranteed in adult criminal cases, courts have not extended the constitutional protection to juvenile delinquency proceedings on the theory that the juvenile system is benevolent in nature and not punitive. However, in some cases in this state, a juvenile found to be delinquent can be exposed to years of incarceration, lasting well into adulthood. Whether or not we call it punishment, a lengthy imprisonment should not be imposed without a jury's verdict. This bill would restore this basic protection to juveniles facing such a term of incarceration. I request your support. If you have any questions, please feel free to contact me.